

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

AUSTIN R. DAVENPORT,

Petitioner,

v.

HON. ANDY D. MILLER, *et al.*,

Respondents.

:

Case No. 2:24-cv-2364

Chief Judge Sarah D. Morrison

Magistrate Judge Caroline H.

Gentry

:

ORDER

On August 22, 2024, the Magistrate Judge issued a Report and Recommendation recommending that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 be dismissed without prejudice. (ECF No. 11.) The parties were advised of the right to file objections to the Report and Recommendation and of the consequences of failing to do so. (*Id.*, PAGEID # 82.) The time for filing objections has now passed and no objections were filed.

The Report and Recommendation is **ADOPTED** and **AFFIRMED**. This action is **DISMISSED**. Petitioner has waived the right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). The Court therefore **DECLINES** to issue a certificate of appealability.

IT IS SO ORDERED.

/s/ Sarah D. Morrison

SARAH D. MORRISON

CHIEF UNITED STATES DISTRICT JUDGE